

City Council Meeting Minutes

**February 17, 2015
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Mayor Muckle recognized the presence of Boulder County Commissioner Deb Gardner.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle, Mayor Pro Tem Hank Dalton
City Council members: Susan Loo, Jay Keany,
Chris Leh and Ashley Stolzmann***

Absent: ***Council member Jeff Lipton***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Kurt Kowar, Public Works Director
Chris Neves, Information Technology Director
Aaron DeJong, Economic Development Director
Troy Russ, Planning & Building Safety Director
Kathleen Hix, Human Resources Director
Dave Hayes, Police Chief
Lauren Trice, Planner I
Nancy Varra, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of agenda.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Stolzmann. All were in favor. Absent:

Council member Lipton.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO reminded the City Council and members of the public of the Senior Heat Relief Dinner and Silent Auction Event. This event will be held on Thursday, February 19th at the Louisville Recreation Center from 5:00 to 7:00 p.m. She noted the silent auction is an all-day event. The price for an adult ticket is \$10.00 and for children, \$6.00. She had tickets available for purchase.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda seconded by Council member Stolzmann. All were in favor. Absent: Council member Lipton.

- A. *Approval of Bills***
- B. *Approval of Minutes – February 3, 2015***
- C. *Approve Cancellation of March 24, 2015 Study Session***
- D. *Approval of Design Services Addendum and the Construction Management Services Agreement with Merrick and Company for the Eldorado Springs Raw Water Intake***
- E. *Approve 2015 Water Treatment Facilities Chemical Purchase***
- F. *Approve Turf Maintenance Equipment Package for Coal Creek Golf Course***
- G. *Approval of the Seventh Amendment to the Intergovernmental Agreement for the Collection of Use Tax Between Boulder County and The City of Louisville***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

No Council comments.

CITY MANAGER'S REPORT

City Manager Fleming reported on February 17th the Management Team engaged in a robust discussion on multiple summer projects, including the repaving of Main Street before the placement of the patios. The Human Resources Director reported HR is recruiting for 68 positions in parks and recreation and other areas. The Planning staff has three different meetings to attend this week, which will also be attended by the Economic Development Director. He voiced his appreciation for the City Council and the public's involvement in the meetings.

REGULAR BUSINESS

**AWARD BID FOR THE 2015 DILLON ROAD / ST. ANDREWS
LANE TRAFFIC SIGNAL INSTALLATION**

Mayor Muckle requested a staff presentation.

Public Works Director Kowar reviewed the warrant for a new traffic signal at the intersection of Dillon Road and St. Andrews. It is a very important project for the community and has been anticipated for a long time. Interface Communications, Inc. was the low bidder at \$318,000, which is within the budgeted amount for this project. He noted the project is a few months behind schedule and the anticipated schedule for this project is from March 1 to July 8. The project will have impacts to the medians in the neighborhood by adding left and right turn lanes and a straight lane.

Staff Recommendation: Staff recommended the City Council award the 2015 Dillon Road / St. Andrews Ln. Traffic Signal Installation Project to Interface Communications, Inc. per their bid of \$317,999.76.

COUNCIL COMMENTS

Mayor Pro Tem Dalton thanked staff for bringing this contract forward. He noted the neighborhood has been looking forward to having a signal at this intersection for a number of years.

MOTION: Council member Stolzmann moved to award bid for the Dillon Road/St. Andrews Lane Traffic Signal, seconded by Mayor Pro Tem Dalton. Roll call vote was taken. The motion carried by a vote of 6-0. Absent: Council member Lipton.

**RESOLUTION No. 8, SERIES 2015 - A RESOLUTION DESIGNATING THE
ATKIN HOUSE AND SHED LOCATED AT 1101 GRANT AVENUE
A HISTORIC LANDMARK**

Mayor Muckle requested a staff presentation.

Planner I Trice explained Resolution No. 8, Series 2015, is a request to landmark the Atkin House and Shed at 1101 Grant Avenue. The home is located on four lots on the corner of Grant Avenue and Short Street. The home was constructed in 1905 and owned by the Atkin family from 1915 to 1984. Samuel Atkin was the foreman of the Rex Mine. The one-story house has elements of the Craftsman style and has maintained form and a high level of design.

Staff Recommendation: Staff recommended the City Council approve Resolution No. 8, Series 2015 designating the Atkin House and Shed a historic landmark based on the following criteria: – 1) The structures have retained significant architectural integrity and

2) The house was associated with the Atkin family for over 60 years.

COUNCIL COMMENTS

Mayor Muckle commented this is a lovely home, which has been maintained inside and out. He stated this is an example of why the City has an historic preservation program. This home has integrity; it is unique and has a strong social history.

MOTION: Mayor Muckle moved to approve Resolution No. 8, Series 2015, seconded by Council member Stolzmann. All were in favor. Absent: Council member Lipton.

**ORDINANCE No. 1678, SERIES 2015 - AN ORDINANCE AMENDING TITLE 17
OF THE LOUISVILLE MUNICIPAL CODE TO ALLOW FOOD TRUCKS, FOOD
CARTS AND MOBILE RETAIL FOOD ESTABLISHMENTS TO OPERATE AT
THE COAL CREEK GOLF COURSE WITHIN A RESIDENTIAL ZONE DISTRICT –
2nd Reading – Public Hearing**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1678, Series 2015.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planning and Building Safety Director Russ explained Ordinance No. 1678, Series 2015 amends the previous ordinance on food trucks (Ordinance No. 1665, Series 2014). Ordinance No. 1665 provided an exemption to allow food trucks and mobile retail food establishments at the Arts Center at Memory Square Park, which is in a residential zone district, where retail sales are prohibited. Ordinance No. 1678, Series 2015 provides an exemption for the parking lot at the Coal Creek Golf Course for special events such as the Fourth of July.

Staff recommendation: Staff recommended the City Council approve Ordinance 1678, Series 2015 to allow food trucks, food carts, and mobile retail food establishments to operate at the Coal Creek Golf Course within a residential zone district.

COUNCIL COMMENTS

Council member Stolzmann asked if the residential zoning presented any issues with the clubhouse, pro shop and food sales. City Attorney Light explained the original General Development Plan for the golf course included the clubhouse. The ordinance amends the previous food truck ordinance, which specifically called for an exemption for food trucks at Memory Square Park. He explained this is a compromise between food trucks and activities of the golf course.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

MOTION: Council member Keany moved to approve Ordinance No. 1678, Series 2015, seconded by Mayor Pro Tem Dalton. Roll call vote was taken. The motion carried by a vote of 6-0. Absent: Council member Lipton.

**AWARD BID AND CONTRACT EXECUTION FOR THE ENTERPRISE
RESOURCE PLANNING (ERP) SYSTEM**

Mayor Muckle requested a staff presentation.

IT Manager Neves reviewed the Enterprise Resource Planning (ERP) software package contract for Finance, Human Resources, and Community Development (Planning, Building Safety, and Public Works). He identified the anticipated benefits for the selection, investment and implementation of the City ERP, which include the following:

- Reduce reliance on inefficient and outdated systems, both manual and electronic.
- Increase reliability of financial data.
- Enhance “real-time” reporting.
- Improve service and process delivery.
- Increase ability for budget and revenue forecasting.
- Reduce redundant data entry.
- Enhance customer service.
- Maximize and streamline resources.
- Improve and automate manual process and workflow.
- Maintain regulatory compliance (PCI).
- Reduce paper.
- Enable more “data driven” decision-making throughout the organization.

Upon execution of the contract the proposed ERP implementation timeline is as follows:

- Finance: 1st through 4th Quarter 2015
- HR & Payroll: 3rd & 4th Quarter of 2015 & 1st Quarter 2016
- Employee Self Service: 1st & 2nd Quarter 2016
- Community Development 3rd & 4th Quarter 2015 & 1st & 2nd Quarter 2016
- Revenue – Utility Billing 1st through 3rd Quarter 2016

Fiscal Impact: The cost of the software licensing, implementation, conversion, other services, 3rd party licensing and annual maintenance totals \$581,326.00. The annual support and maintenance is \$58,500. Staff recommended awarding the RFP and executing the contract for the MUNIS and EnerGover ERP software solution proposed by Tyler Technologies.

COUNCIL COMMENTS

Council member Loo asked IT Director Neves to identify the municipalities who were asked for references on this software solution. IT Director Neves explained Tyler Technology has two different product lines, MUNIS for Finance and HR and EnerGov for Community Development. He requested references from the IT Directors and teams from the cities of Pueblo and Boulder, Colorado and Bountiful, Utah. He reported receiving favorable references on the software solutions proposed by Tyler Technologies. He noted the City of Boulder has been involved in this process over the last three years. He stressed this will be a challenge for the City staff, but the Directors are ready for the challenge.

Council member Loo reported researching on-line for feedback on satisfaction from various municipalities. She stated there were three major news articles regarding Tyler Technologies, which were less than favorable and one of the municipalities was Fort Morgan. She asked if there are provisions in the contract for non-performance.

IT Director Neves confirmed there are non-performance provisions built into the contract. There is not a specific damage clause, but there is a clause, which pushes the licensing fee out until the end of the project. He reported hearing positive feedback about Tylers' training and implementation of the software package. He stated Finance and HR are comfortable with MUNIS. For Planning/Community Development there was an in-depth search for the EnerGov references. They received references from Grand Junction, Breckenridge, Boulder and Erie, who recently rolled out EnerGov. He was comfortable the City will be getting the best product for the best price.

Council member Leh referenced the annual support and maintenance cost, which total almost \$60,000 and requested clarification. IT Manager Neves explained there is an optional database support through Tyler, which everyone one he spoke to urged him to include in the contract. The annual maintenance is \$12,854 for the third party maintenance, which is the point of sale unit and the database support for the first year and the \$58,000 includes the \$12,854. He explained it is typical for software companies to charge anywhere from 15 to 20% fee based on the purchase price. The contract was written not to exceed 3% per year for the first ten years.

Council member Leh inquired whether the IT Department anticipates the cost of the support will come down. IT Director Neves stated the amount will come down by \$12,000 because the database support will not be needed however the cost of maintenance will still be in the \$40,000 range. The closest competitor was New World, but their cost was \$250,000 over the Tyler solution and their annual subscription was at almost 40% of the product cost annually. He felt the City is getting the best product for the best price.

Mayor Muckle inquired about the number of years the company has been in business and what assurance does the City have they will be around in the next ten years. IT Director Neves stated Tyler has been in business since the late 1980's and has about 300 successful installations in the United States. They have purchased the Tyler MUNIS

product and have invested in education and government.

Mayor Muckle inquired about the most important transitions, such as payroll. IT Director Neves explained payroll will be run in parallel with the existing software for one or two cycles to ensure everything is done correctly. Then the old payroll system is closed down. He explained in their scope of work, transition is part of their work plan.

IT Director Neves expressed his thanks to the City staff for dedicating their time to this project. He stressed this has been a collaborative effort and thanked HR, Community Development and Finance staff for participating.

City Manager Fleming expressed his thanks to IT Director Neves and the staff for shepherding this project through. He noted IT Director Neves and all the Directors participated in evaluating the software solution and he was comfortable moving forward with this system. He looked forward to having the system and responding more effectively to Council questions relative to the budget process throughout the year.

Mayor Muckle stated the Council had a lengthy process relative to the Enterprise Software Solution during the budget process.

Council member Leh inquired about the cost savings, which might reduce the impact on staff time. City Manager Fleming did not believe it would reduce the cost associated with staff time. HR Department will have the ability to expedite their processes, such as on-line open enrollment for medical benefits instead of staff entering the information manually. It will assist the Building Department to provide access to developers and builders to submit plans on-line. It will allow the Building Department to evaluate submittals electronically. He did not expect to eliminate any positions, but will allow the existing staff to keep up with the workload. The Financial Management System will provide information which is easier to read and will facilitate program budgeting. He stated it would enable the City to respond to the communities' expectations in terms of a very technological way of providing services.

MOTION: Mayor Pro Tem Dalton moved to award the contract for the Enterprise System, seconded by Council member Keany. Roll call vote was taken. The motion carried by a vote of 6-0. Absent: Council member Lipton.

**DISCUSSION/DIRECTION/ACTION – LOCAL FINANCIAL ASSISTANCE TO
SUPPORT BOULDER COUNTY HOUSING AUTHORITY'S (BCHA) AFFORDABLE
HOUSING PROJECT AT 245 NORTH 96TH STREET**

Mayor Muckle requested a staff presentation.

Economic Development Director DeJong reviewed the request for financial assistance.

The Boulder County Housing Authority (BCHA) is requesting financial assistance for the affordable housing project at 245 North 96th Street. BCHA signed an IGA in 2012 with the City of Louisville to maintain 146 affordable housing units and create an additional 15 units within 5 years. BCHA purchased a 13.4 acre parcel along Highway 42 in 2013 for an affordable housing project and planned to begin a project in 2017 – 2018.

The property annexation approval is beginning and the preliminary PUD documents have been submitted for 207 affordable housing units (senior and family), with commercial opportunities; community non-profit location and a for sale housing parcel.

Louisville has provided assistance to previous affordable housing projects: 1) Lydia Morgan in 1995 (100% fee and tax waivers, waiver of the facilities and thorough fare fees and construction funding for water mains and sidewalks) and 2) Sunnyside Place 1996 (100% fee and tax waivers, waiver of the facilities and thoroughfare fees, paving a portion of East Street, and construction funding for a fire hydrant).

The BCHA is requesting rebates or waivers of City Plan Review Fees, Rebates or waivers of Construction Use Taxes, Financial assistance with road construction, and waiver of impact fees. The City Plan Review Fees are based on \$52 million construction cost and \$430,500 in plan review fees. The Construction Use Taxes are based on \$52 million construction costs; \$780,000 City General; \$97,500 Open Space and \$32,500 Historic Preservation. The Impact fees are based on \$55,890 for the Library; \$313,812 for Parks and Trails; \$207,207 for Recreation; \$71,208 for Municipal Facilities and \$30,015 for Transportation.

Road Construction Assistance based on regional traffic using the new roads: 45% share of striping costs for the northbound left movement from Kaylix to Hecla (\$6,131). 25% share for the southbound right turn lane from Hecla to Kaylix (\$30,656). 45% of the construction cost for Hecla (\$660,765). 65% of the construction cost for Kaylix (\$867,671). 45% of the construction cost for southbound acceleration lane on Highway 42 (\$55,181). Staff Recommendation:

100% Rebate of Building Permit Fees	\$430,500
100% Rebate of Construction Use Taxes	\$780,000
20% waiver of Parks & Trails Fees	\$ 62,762
50% waiver of Municipal Facilities Fees	35,604
100% waiver of Transportation Fee	30,015
30% of street construction request	<u>486,121</u>
Total Financial Assistance	\$1,825,002

Justification: The addition of affordable housing units in Louisville was a main goal in the 2012 IGA with BCHA. The City has a long-standing history of providing assistance for affordable housing in Louisville. Prior City Councils have agreed to similar assistance structures for the Lydia Morgan senior affordable project in 1995 and the Sunnyside affordable project in 1996.

BCHA has the opportunity to achieve additional assistance from Federal and State programs with significant assistance from the local government. The Federal Low-Income Housing Tax Credit program and the State's allocation of flood related CDBG housing funds rely heavily on the commitment from local communities to assist in completing the affordable housing projects.

Staff requested Council discussion/direction on the financial assistance towards BCHA's affordable housing project at 245 North 96th Street.

BOULDER COUNTY HOUSING AUTHORITY

County Commissioner Deb Gardner, 740 Judson Street, Longmont, CO stated she is the Chairperson of the BCHA and previously resided at 1440 Front Street in Louisville and served on the Louisville Arts Council. She stressed the City of Louisville and Boulder County have a long history of successful partnerships on funding open space parcels, transportation projects, 911 Emergency Dispatch Services and affordable housing projects. She addressed the City's local contribution to the affordable housing project on the Alkonis property. She thanked the City for all their years of support and for the City staff's recent detailed analysis of the development.

She explained the County Commissioners were very excited when Frank Alexander and Willa Williford presented the purchase proposal for the Alkonis property to provide the additional affordable housing units to the City of Louisville. The opportunity of doing the project quicker is a consequence of the 2013 flood. Funds through CHAFA and HUD would accelerate this project, maximize the number of affordable units and leverage the funds from a variety of financial sources. She felt this project would be the capstone for affordable housing in the City of Louisville. In order to go forward with this project, the City's financial assistance of \$3,000,000 is required. She explained this percentage of the assistance is less than what was asked of the City of Lafayette to contribute to the Josephine Commons and the Aspenwall projects. Without the requested amount, it will be difficult to provide the requested number of affordable units. She noted there is a demand for affordable housing and asked the City to fully fund the project so it can go forward as soon as possible.

PUBLIC COMMENT

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO addressed the transfer of the Louisville Housing Authority properties to the Boulder County Housing Authority. He recalled it was not about putting affordable housing units in Louisville, it was about affordable housing for Louisville residents. He stated the discussion was about affordable housing centers for employees who cannot afford to live in the community where they work. He was troubled about the mix between the affordable housing for senior citizens. He felt this development would provide affordable housing for the County and be subsidized by the City of Louisville. He noted the commercial

component is proposed to be sold to a non-profit plan and therefore would generate no tax for the City. There would also be no influence over the hours of operation, fees or access. He urged Council to reject this proposal. He stated if this project is built in phases and is not built out immediately, it would not be the first project to do so.

John Leary, 1116 LaFarge Avenue, Louisville, CO did not have a position on whether the request should be approved or denied. His concern centered on the process presented and on Council not having sufficient information to make a decision. He addressed the comment that precedence is a major factor to consider this request. He stated consistency is not always doing the same thing and presented an analogy of consistency and fairness. He stated at one time there was a windfall from sales tax, but now with the recession and long lists of projects, the fund balance is lower than it ever has been. He voiced concern over the lack of taxes collected in this proposal and the City's fund balance. He stated the \$400,000 waiver of fees would have come out of the unrestricted General Fund money, which would draw down the fund balance. He stressed the importance of knowing all the information and the priorities before making a decision.

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO agreed with the statements made by the previous speakers. She addressed the City's assistance to Lydia Morgan and Sunnyside and noted the City was waiving fees to the Louisville Housing Authority and not Boulder County. She stressed these affordable housing units will be built in Louisville, but not necessarily for Louisville residents. She stated Boulder County cannot provide for a Louisville residents preference. She reported being present at other presentations on this project and noted none of the public comments were reflected in the proposal or the design plan.

COUNCIL COMMENTS

Mayor Pro Tem Dalton commented the City has to look to its own interests. He stated the proposal will provide additional residences, but residential property does not pay for the services they require through property taxes. This project will not pay for any services because it is a non-profit. He explained the assistance the City provided to Lydia Morgan and Sunnyside afforded a Louisville resident preference however this new project will not. The commercial buildings on the property will be non-profit and will not generate any taxes for the services the City supplies. He felt the City is being asked to subsidize a section of housing set aside for artists. He was opposed to subsidizing one set of housing for a specific occupation. He noted the City's approval of business assistance is predicated on a fiscal benefit to the City. He stated he was not in favor of the proposal.

Council member Leh agreed with Mayor Pro Tem Dalton and noted in the staff report there is a request for direction, but there is also a staff recommendation for what Council could do. He asked what additional information is needed.

City Manager Fleming explained information needed to help Council and residents know

what the tradeoffs are. As 2014 budget closes, there are revenues and expenditures, which may be on the positive side, but more information is needed to know the City's current position. Staff believes it may be better than the adopted 2015 budget however a waiver and direct contribution of this magnitude has significant implications. It is not known over the next five years how this would constrain the City Council's choices on capital projects, operating costs or the revenues. He stated the City needs more time to accurately reflect that information. The Council communication asks for general direction and if there is a recommendation on actual dollar amounts, staff can come back at a later date. If Council is not interested at all, staff asked such direction be provided.

Council member Leh was not prepared to oppose the request, but did not feel he had enough information to make a decision at this time, especially if there are tradeoffs.

Council member Stolzmann agreed more information was needed. She addressed the Parks and Trails and felt there should be a lot more discussion on both sides. She suggested the County facilitate the Highway 42 Underpass in connection with this project, which would go toward waiving the Parks and Trails fee. She suggested the municipal facilities fee might be waived or increased under an IGA, which ensured Louisville residents would have access to the community space in the future. She felt the contributions were not being tied together in this proposal. She agreed Council will have to know what type of budget amendment will be made to accommodate this assistance. She stated it is great the BCHA has the opportunity to get funds as a result of the flood, but noted Louisville was also impacted by the flood and will have a difficult time making the match. She agreed with Commissioner Gardner there is a need for affordable housing, but felt it had to work financially for the City. She needed more information on the waived fees, particularly on the road construction.

Council member Loo had opposed giving the City's affordable housing properties to the County, but was pleased to see the County purchase the Alkonis property for affordable housing. She felt turning those properties over to the County was a gift and the City's contribution to this project. She was not sure Lafayette has given the County all of their affordable housing. She stressed \$3 Million is a lot of money for a small town whose reserves are very low. Although she valued the partnership with the County, she did not feel she could support the financial assistance request.

Council member Keany was not prepared to make a decision this evening, but wanted to help this project financially. He suggested the City's use tax, which would be a loss of revenue, but would be better than waiving building fees where staff's time has been impacted. He needed more analysis on the tradeoff for the parks and trails, facilities and transportation fees. He wanted to see Council get creative to help support the project. He realized the Louisville Housing Authority properties were for the community, and BCHA does not have a way to give a preference for Louisville residents.

Mayor Muckle stated the majority of the Council is supportive of the project, but are looking for ways to help fund it. He agreed the opportunity for the flood relief is great, but unfortunately, the City has spent most of their capital projects fund to rebuild infrastructure damaged by the flood. He noted there is a lot of uncertainty in the City's budget and therefore the timing of this request is potentially a problem for the City. He agreed the demand is there and the City values its partnership with the County. The Louisville residents may be able to live in this development. He also wanted to look at ways to help facilitate the project. He stated the Alkonis project is a priority for the Louisville residents. He asked the County staff to provide a timeline for the project and discuss the amount of grant money available.

Norrie Boyd, Boulder County Planning Director, 5248 5th Street, Boulder, CO introduced Frank Alexander, Director of Boulder County Housing Authority. She stated in terms of the timing, the local match is helpful in obtaining the available disaster relief funds, which must be expended by next year. The timing is important, as is the local match, to expedite the disaster relief funds. She stressed it is also difficult for the County to come up with the necessary funds, but there is a need for affordable housing for people who were displaced by the flood. The local match also helps with the low income tax credit application and for state grants. The local match is important no matter what the support. The entire project will be financed altogether, but developed in phases through the PUD process.

Frank Alexander, BCHA Executive Director, explained any affordable housing project is statutorily exempt from sales and use tax. He addressed the waiver requests and stated there will be a local preference for Louisville residents. He noted all the units in Louisville are currently leased and wait listed. He noted the demand for affordable housing is incredibly high. He stated there is no equity in the LHA properties, which would allow this project to occur. Those properties had a huge demand for capital needs/infrastructure. The cost of the Alkonis property was \$2 Million dollars and the cost of construction will be \$52 Million. The contribution requested is critical to demonstrate the local support for the project. Looking at senior residents in Louisville, there are 700 households who meet the low income level and cannot afford the rent where they are living. There are only 30 senior units at Lydia Morgan. Before Josephine Commons was built only 2.6% percent of the need for senior housing was being met in east Boulder County. He stressed this project is critical for Louisville seniors. He stated there is not a Lafayette Housing Authority as they have the same structure as Louisville. BCHA is the Lafayette authority. He explained Lafayette contributed \$3.2 Million to their affordable housing project. He stressed another critical component of this project is a local contractor will be the preferred contractor.

COUNCIL COMMENTS

Mayor Pro Tem Dalton stated the City is being asked for financial assistance to speed the process up, not to build the project. He stated the project will eventually be built. He noted there will always be a demand for affordable housing and he saw no reason to speed up the subsidy.

Mayor Muckle proposed the direction to staff be to bring back more information for Council consideration. City Manager Fleming stated the staff will need some time to compile the information for a future study session.

Council member Loo requested staff provide information on the permitting process. Council member Keany requested information on how the 100% contribution of the permit fees would impact the City's budget.

BOULDER COUNTY ANNEXATION AND ZONING FOR 245 NORTH 96TH STREET

- 1. RESOLUTION No. 9, SERIES 2015 – A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE CITY OF LOUISVILLE, COLORADO, KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION**
- 2. ORDINANCE No. 1679, SERIES 2015 – AN ORDINANCE ZONING A PLANNED COMMUNITY ZONE DISTRICT – COMMERCIAL / RESIDENTIAL (PCZD – C/R) CERTAIN PROPERTY ANNEXED INTO THE CITY OF LOUISVILLE AND KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION – 1st Reading – Set Public Hearing 3/03/15**
- 3. ORDINANCE No. 1680, SERIES 2015 – AN ORDINANCE APPROVING AN ANNEXATION, KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION TO THE CITY OF LOUISVILLE, COLORADO – 1st Reading – Set Public Hearing 3/03/15**

City Attorney Light explained the two ordinances refer to the annexation and zoning request and are on the agenda for first reading. The public hearing this evening is for the annexation, therefore there will be two opportunities for the public to comment on this proposal. City Attorney Light introduced Ordinances No. 1679 and No. 1680, Series 2015.

Mayor Muckle requested a staff presentation.

Planning and Building Safety Director Russ stated his presentation would include the annexation and zoning proposal, but at the next public meeting he would concentrate on the zoning. He reviewed the Public Notice Certification required for an annexation. The 245 North 96th Street Annexation includes 13.404 Acres. The initial zoning is PCZD-C/R Zoning for 231 dwelling units and 18,404 SF of commercial.

General Development Plan (GDP): Transportation Highway 42. GDP Note: The Boulder County Housing Authority shall work with the Goodhue Ditch Company to finalize the necessary easement and setback agreements.

Public Land Dedication: The total dedicated public land requirement is 3.2+ Acres.

GENERAL DEVELOPMENT PLAN LAND USE – PLANNING AREAS:

Planning Area A:

Zoning: PCZD C/R

Maximum F.A.R. 1.0

Maximum allowance of 83,202 SF

Residential: (included in FAR) 28 units

Residential Density: 15 units per acre

Planning Area B:

Zoning: PCZD R

Residential (included in FAR) 103 units

Residential Density: 30 units per acre

Planning Area C:

Zoning: PCZD R

Residential (included in FAR) 69 units

Residential Density: 25 units per acre

Planning Area D:

Zoning: PCZD R

Residential: (Included in FAR) 31 units

Residential Density: 15 acres per acre

Eligibility for Annexation: Sections 16.32.020 and 16.32.030 of the Louisville Municipal Code have been met:

Comprehensive Plan: The Comprehensive Plan is a policy document. Staff found the proposed annexation and initial zoning request complies with the Comprehensive Plan's Vision Statement and Core Community Values. The Framework Plan: Land Uses comply with the Comprehensive Plan.

Proposed Yard and Bulk: Highway 42 and South Boulder Road Urban Center:

Parking: On-site private parking associated with a particular use and allowance for shared parking agreements.

Building Heights: 2-3 Stories

Building Form and Design:

1. Ground floor oriented towards the street.
2. Ground floor activated with retail and commercial uses and pedestrian scaled development
3. Provide buildings, which transition in scale to adjacent neighborhoods.

Block Length: 300-400 feet.

Highway 42 and South Boulder Road Urban Corridor:

Parking: Majority on-site private parking associated with a particular use with allowance for shared parking agreements.

Building Heights: 2-3 Stories.

Building Form and Design:

1. Ground floor is oriented towards the Arterial Road and / or a secondary street.
2. Provide buildings, which transition in scale and mass to adjacent neighborhoods on the back of the property.

Block Length: 300-400 feet.

Comprehensive Plan - Framework Plan: Neighborhood Housing Principles and Policies: Principles NH -5 through NH –6.2 have been met.

Intergovernmental Agreement: The City of Louisville and Boulder County Housing Authority agreed to the following:

1. The County would own and manage the City's 116 affordable housing units along with the County's existing 30 units in Louisville.
2. The County agreed to build an additional 15 units in Louisville within the next five years.

The Louisville Fire Protection District Referral Response:

1. The Fire District has stated they could serve the property.
2. Specific service requirement will be reviewed during the Preliminary and Final Planned Unit development (PUD).

Boulder Valley School District Referral Response:

1. Expected Student Impact: Louisville Elementary School – 20 students; Louisville Middle School – 7 students and Monarch High School – 11 students. Elementary capacity in Louisville as a whole however is ample to accommodate continued enrollment growth.

Current Actions:

1. Enrollment growth continues to be managed by restricting open enrollment. The 50 open enrolled seats will eventually be available to new resident students.
2. The preschool program has been relocated to Fireside Elementary.
3. Current computer lab space has been converted for classroom use.

Future Possibilities (should the projections materialize):

1. Additional changes in offered programming
2. The addition of portable classrooms
3. The addition of permanent class
4. Busing of students
5. Changes to attendance boundaries

Fiscal Impact Draft: General Development Plan – 231 units and 13,500 SF of Commercial.

Net Fiscal Balance	(\$164,799)
On-going (Capital)	30,773
On-Going (Net Revenue)	134,027
Net Fiscal Balance	(\$871,327)

The Planning Commission reviewed this proposal on January 8, 2015 and by a vote of 7-0, recommended the City Council approve the initial zoning. Staff recommended, based on state regulations and compliance with the Comprehensive Plan, the City Council approval of Resolution No. 9, Series 2015; Ordinances No. 1679, and No. 1680, Series 2015 on first reading and set a 2nd reading and public hearing for March 3, 2015.

APPLICANT PRESENTATION

Norrie Boyd, Boulder County Planning Director stated she wished the presentation would have come before the financial assistance request. She introduced the project team: The County Attorney; the Master Planner; the Affordable Housing Design Team and the Civil Engineer,

PUBLIC COMMENT

Rob Lathrop, 601 Johnson Street, Louisville, CO stated he owns the Davidson Highline subdivision, which is directly north of the Alkonis property. The subdivision is 250' wide and 750' long and was purchased in 1989. At the time there was talk about a loop road, which is now Hecla Drive, and potential for a connection behind his property at some point. He built and operated a rental center, which is now the Divine Canine Pet Hotel and currently operates the Louisville RV Storage facility, which is to the west. A year ago he became aware of an idea to extend Kaylix Drive to the north and south. This would cut his property in half. He advised the Council there has been conversations, but there is not any agreement. He stated it would present a lot of complications to both he and his tenants. He wanted to make the Council aware a north/south Kaylix connection has not been agreed upon by all the parties.

PUBLIC COMMENT

Council member Loo asked Planning and Building Safety Director if Mr. Lathrop's comments could be reflected on the document. Planning and Building Safety Director Russ confirmed Mr. Lathrop's comments have been reflected. He explained the Highway 42 Plan and the Lanterns Subdivision could potentially align but that is not the final design. He stated staff has gone to great lengths to accommodate Mr. Lathrop's concerns, but there is no agreement.

Council member Stolzmann inquired if including this project in the Takoda GDP ties it to the Takoda Metro District. City Attorney Light responded no and explained they would have to go through a different process under a different statute.

Council member Stolzmann agreed with staff's analysis that the property is eligible for annexation. She felt some of the goals of the Comprehensive Plan have not been met, such as the City's fiscal goals for the property, but felt the senior housing and affordable housing would be a public benefit. She did not believe this project meets the street network goal without Mr. Lathrop's property and felt a dead-end would present a problem. She noted the Planning Commission meeting minutes referred to a

partnership with Boulder County Transportation to satisfy the land dedication for an underpass at Highway 42. She felt the land dedication should be tied to the project.

Mayor Muckle was supportive of the annexation and agreed it meets the criteria for annexation. He had concerns over the non-profit use of commercial spaces. He agreed with Council member Stolzmann relative to the road connection. He asked if Kaylix is connectable. Planning and Building Safety Director Russ explained Kaylix is connectable to the south through the Lanterns subdivision.

Council member Stolzmann reminded the BCHA the Louisville Elementary School will soon reach capacity.

MOTION: Mayor Muckle moved to renumber the ordinances as follows: The annexation ordinance will be 1679 and the zoning ordinance will be 1680, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

RESOLUTION No. 9, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No 9, Series 2015, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

ORDINANCE No. 1679, SERIES 2015, AN ORDINANCE APPROVING AN ANNEXATION, KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION TO THE CITY OF LOUISVILLE, COLORADO

MOTION: Mayor Muckle moved to approve Ordinance No.1679, Series 2015 on first reading, ordered it published and set a public hearing for March 3, 2015, seconded by Council member Keany. All were in favor. Absent: Council member Lipton.

ORDINANCE No. 1680, SERIES 2015, AN ORDINANCE ZONING A PLANNED COMMUNITY ZONE DISTRICT – COMMERCIAL / RESIDENTIAL (PCZD - C/R) CERTAIN PROPERTY ANNEXED INTO THE CITY OF LOUISVILLE AND KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION

MOTION: Mayor Muckle moved to approve Ordinance No. 1680, Series 2015 on first reading, ordered it published and set a public hearing for March 3, 2015, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

ORDINANCE No. 1681, SERIES 2015 – AN ORDINANCE APPROVING THE VACATION OF A 20-FOOT WIDE UNIMPROVED ALLEY BETWEEN 225 COUNTY ROAD (LOTS 12 AND 13) AND 224 FRONT STREET (LOTS 10 AND 11), BLOCK 9, MURPHY PLACE – 1st Reading – Set Public Hearing 03/03/2015

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1681, Series 2015.

MOTION: Mayor Muckle moved to approve Ordinance No.1681 Series 2015 on first reading, ordered it published and set a public hearing for March 3, 2015, seconded by Council member Stolzmann. All were in favor. Absent: Council member Lipton.

Council member Keany inquired whether this alley would be needed for a connection to Community Park. City Manager Fleming explained this alley runs west and would not be needed for the park.

EXECUTIVE SESSION

1 REAL PROPERTY ACQUISITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)).

The City Manager requested the City Council convene an executive session for the purpose of consideration of potential real property acquisitions concerning property in Louisville.

2 PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b)).

The City Manager and City Attorney requested the City Council convene an executive session for the purpose of consultation with respect to pending litigation.

3 CITY MANAGER SEMI-ANNUAL EVALUATION

(Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized Topics)

The Mayor requested the City Council convene an executive session for the purpose of the semi-annual review of the City Manager.

REGULAR BUSINESS ITEMS SUSPENDED

City Attorney Light explained the first executive session is at the request of the City Manager for the purpose of consideration of potential real property acquisitions. The second executive session is at the request of the City Manager and City Attorney for the purpose of consultation with an attorney representing the City with respect to pending

litigation. The Mayor is requesting the third executive session for the purpose of conducting a Semi-Annual Performance Review of the City Manager.

City Clerk Varra read Section 2.90.050 public statement from the Louisville Municipal Code, which governs the topics, which may be discussed in an executive session.

City Attorney Light stated the authority for conducting an executive session is the Louisville Charter, Section 5-2 (c) - Authorized Topics – Consideration of real property acquisitions, but only as to appraisals and other value estimates. The authority for conducting the second executive session is the Louisville Charter, Section 5-2(d) Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation and C.R.S. 24-6-4-402(4)(b)). The authority for conducting the third executive session is Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) - Authorized Topics and C.R.S. 24-6-402(4)(a) under the Colorado Open Meetings Law.

MOTION: Mayor Muckle moved the City Council convene an executive session for the purpose of consideration of a potential acquisitions and dispositions in real estate, but only as to appraisals, value estimates and strategy for such property disposition and the executive session include members of the City Council, City Manager, Deputy City Manager, Economic Development Director, Planning and Building Safety Director, Police Chief and the City Attorney, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

MOTION: Mayor Muckle moved the City Council convene an executive session for the purpose of consideration of a consultation with respect to pending litigation and the executive session include members of the City Council, City Manager, Deputy City Manager, Economic Development Director, Planning and Building Safety Director, Police Chief, City Attorney and Attorney Eric Zepron, seconded by Council member Leh. All were in favor. Absent: Council member Lipton.

MOTION: Mayor Muckle moved the City Council convene an executive session for the purpose of the semi-annual review of the City Manager and the executive session include members of the City Council, City Manager and the City Attorney, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

The Council adjourned to executive session at 9:06 p.m. The regular meeting was reconvened at 11:28 p.m.

REGULAR BUSINESS ITEMS CONTINUED

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITIONS, PENDING LITIGATION AND CITY MANAGER EVALUATION

City Attorney Light reported in executive session the City Council discussed real property acquisitions. The City Council provided direction to the staff on strategies for potential acquisitions of property. If negotiations prove successful, any property acquisition would be brought back for City Council consideration at an open meeting.

In the second executive session the City Council consulted with attorneys representing the City with respect to pending litigation. The City Attorney provided Council an update on pending litigation. The City Council provided direction to the staff on a potential settlement. Staff will proceed with the direction given.

In the third executive session the City Council discussed the semi-annual performance review of the City Manager. Staff was given direction to share City Council comments and evaluation materials with the City Manager.

CITY ATTORNEY'S REPORT

City Attorney Light reported the City continues to work with Xcel Energy regarding their gas transition line project along Highway 42. There are some legal issues in getting the proper easements and agreements in place. The goal is to do so in such a manner as to be beneficial for all parties, while meeting Xcel Energy's timelines. He noted the City was named in a legal proceeding, but he hoped to bring an easement agreement at a future City Council meeting.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Council member Leh addressed the advanced agenda regarding increasing the utility rates and noted Council member Lipton has requested this matter be reviewed by the Water Committee for a recommendation to the City Council.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Mayor Pro Tem Dalton. All were in favor. The meeting adjourned at 11:30 p.m.

Robert P. Muckle, Mayor

Nancy Varra, City Clerk